

FEB 17 2006

ROBERT H. SHERWELL, CLERK
BY  DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

CRIMINAL CASE NO. 1:01CR10012-02

VERSUS

JUDGE LITTLE

MAG. JUDGE KIRK

CHRISTOPHER BROWN

ORDER

Petitioner has requested that this Court permit him to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915.

Upon review of the record, the Court finds that petitioner has failed to submit a complete application to proceed *in forma pauperis* as required by § 1915(a). The relevant portion of this statute provides that a prisoner seeking to appeal a judgment of the district court without prepayment of fees or security therefore shall submit:

1. An affidavit that includes a statement of all assets he possesses; and
2. A certified copy of his prisoner account statement for the last six months, obtained from the appropriate official at the prison or correctional facility; and
3. A signed form authorizing the institution of incarceration to forward from his account to the Clerk of Court any partial filing fee assessed by the Court and to forward monthly payments thereafter of 20 percent of the prisoner's preceding month's income credited to his prison account until the full amount of the filing fee is paid.

Only after receiving the three documents listed above and determining that the prisoner is unable to pay the full filing fee will the court allow the prisoner to proceed *in forma pauperis*.

In accordance with the above, **IT IS HEREBY ORDERED** that petitioner shall


submit, within twenty days of the date of this order, an affidavit in support of the motion to proceed *in forma pauperis*, an inmate account summary for the past six months of incarceration completed by the prison accounts officer, and a completed authorization form authorizing the institution of incarceration to withdraw and forward any required initial partial filing fee and monthly payment to the Clerk of court until the filing fee is paid in full. Failure to do so may result in dismissal of petitioner's appeal or other appropriate sanctions.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana, this 17 day of February, 2006.



F. A. LITTLE, JR.
UNITED STATES DISTRICT JUDGE

See also remarks on
page two of petitioner's
application, which remarks
point out the deficiency
in the application.


17 Feb 06

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

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FEB 16 2006 *RL*

CHRISTOPHER MICHAEL BROWN
PETITIONER,

v.

ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

FRANK A. LITTLE, JR.
UNDER FALSE TITLE OF
UNITED STATES OF AMERICA

Case Number:
01-10012-02
COA

AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

I, Christopher Michael Brown, declare under penalty of perjury and false statement that I am the (check appropriate box):

☒ petitioner/plaintiff/movant ☐ other

in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceedings or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

see Motion for Certificate of Appealability

I further state that the responses to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? ☐ Yes ☒ No
 - a. If the answer is "Yes", state the amount of your salary or wages per month and give the name and address of your employer.
 - b. If the answer is "No", state the date of your last employment and the amount of the salary and wages per month which you received.
N/A
2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? ☐ Yes ☒ No
 - a. If the answer is "Yes", describe each source of income, and state the amount received from each during the past twelve months.
3. Do you own any cash or checking or savings accounts? ☐ Yes ☒ No
 - a. If "Yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

a. If "Yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

N/A

6. Are you currently incarcerated? ☒ Yes ☐ No

a. If "Yes", state the place of your incarceration United States Penitentiary Beaumont, Texas

b. Are you employed at the institution? no Do you receive any payment from the institution? no

c. Have the institution of your incarceration complete the Certificate portion on the attached page and/or affix a certified copy of your trust fund account statement (or institutional equivalent) stating the average monthly deposits and average monthly balance for the 6-month period immediately preceding the filing of the notice of appeal, obtained from the appropriate official of each prison at which you are or were confined.

I understand that a false or dishonest statement or answer to a question in this affidavit may be punishable by fine or imprisonment, or both.

Christopher M. Bean
Signature

Let the applicant proceed on appeal without prepayment of costs or fees or the necessity of giving security therefor.
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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ROBERT H. SWEENEY, CLERK
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DEPUTY

Judicial Officer

Denied - Question 1..b.
has not been answered nor has
Question 5.

FORWARDED
Judge

17 Feb 06